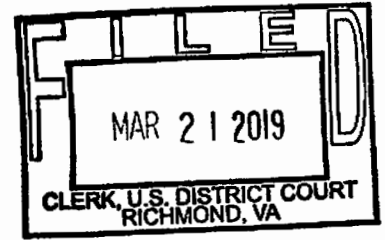


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



MOMOLU V.S. SIRLEAF, JR.,

Plaintiff,

v.

Civil Action No. **3:18CV583**

CORRECTIONAL OFFICER SCOTT,

Defendant.

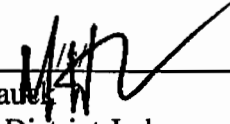
MEMORANDUM OPINION

Momolu V.S. Sirleaf, Jr., a Virginia state prisoner proceeding *pro se*, brought this action. By Memorandum Order entered on October 24, 2018, the Court directed Plaintiff to pay an initial partial filing fee of \$9.73 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff neither paid the initial partial filing fee nor averred that he could not pay such a fee. Accordingly, by Memorandum Opinion and Order entered on December 18, 2018, the Court dismissed the action without prejudice.

On January 2, 2019, Sirleaf submitted a motion for reconsideration. The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

Here, Plaintiff fails to satisfy any of the above requirements. He merely states that he is unable to pay the initial partial filing fee. Plaintiff fails to explain why he did not timely respond to the October 24, 2018 Memorandum Order. Moreover, as the action was dismissed without prejudice, Plaintiff remains free to simply refile the action. Accordingly, the Motion for Reconsideration (ECF No. 11) will be DENIED.

An appropriate Final Order shall issue.



M. Hannah Laurel
United States District Judge

Date: March 21, 2019
Richmond, Virginia